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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

In the Matter of:

Administration of the North  
American Numbering Plan

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CC Docket No. 92-237  
Phases One and Two

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COMMENTS  
OF THE  
UNITED STATES TELEPHONE ASSOCIATION

June 7, 1994

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## **SUMMARY**

The FCC proposes that ministerial administration associated with the NANP be undertaken by a non-governmental entity. In addition, the Commission proposes a forum to be designated to assist in establishing numbering policy and resolving disputes. The Commission's tentative conclusions on NANP administration are a positive step forward. However, its recommendations raise questions about how the entities the FCC proposes will obtain the authority they need to do their jobs. That question is complicated by two important factors. First, the NANP is not the sole province of United States regulators and users. Eighteen countries make up World Zone 1. How will the FCC and the new administrator ensure the support and cooperation of these other nations? Second, as the telecommunications industry becomes more complex, with many new providers and new services, numbering issues also become more complex. The new administrator will be faced with a difficult task if its authority is not clearly defined.

The Commission's goal must be to create an overall framework for numbering that assures the long term survivability and reliability of the numbering plan. The NANP must be managed so that it continues to meet the needs of all users within the telecommunications industry and their customers. Careful planning now can ensure that the goal is met. The Commission may well find that a smoother transition will occur if the plan is refined in further proceedings or by work in industry forums such as the Future of Numbering Forum.

A group should be formed under the sponsorship of ATIS that would accept responsibility for numbering policy. Now that the Commission has outlined the attributes it wishes to see in a policy or oversight board, it should invite ATIS to submit a proposal to define the structure and functioning of the activity. One input to this proposal should be the work of the Future of Numbering Forum (FNF).

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The United States Telephone Association (USTA) submits these comments in response to the Notice of Proposed Rulemaking released by the FCC on April 4, 1994.

**I. INTRODUCTION.**

In the fall of 1992, the Federal Communications Commission released a Notice of Inquiry, (NOI), encompassing a range of issues about the future of the North American Numbering Plan (NANP). Building upon the information submitted in response to its NOI, the FCC issued this Notice of Proposed Rulemaking (NPRM) in which it seeks comment on several tentative conclusions.

The FCC proposes that ministerial administration associated with the NANP be undertaken by a non-governmental entity. In addition, the Commission proposes a forum to be designated to assist in establishing numbering policy and resolving disputes. The Commission's tentative conclusions on NANP

administration are a positive step forward. However, its recommendations raise questions about how the entities the FCC proposes will obtain the authority they need to do their jobs. That question is complicated by two important factors. First, the NANP is not the sole province of United States regulators and users. Eighteen countries make up World Zone 1. How will the FCC and the new administrator ensure the support and cooperation of these other nations? Second, as the telecommunications industry becomes more complex, with many new providers and new services, numbering issues also become more complex. The new administrator will be faced with a difficult task if its authority is not clearly defined.

USTA's comments provide information on these and other issues contained in the NPRM. However, the FCC may well discover that some of these questions require analysis and refinement beyond what is possible in this NPRM, and that further consideration of these and other proposals is necessary to assure an orderly transition of numbering responsibilities. The Commission's goal must be to create an overall framework for numbering that assures the long term survivability and reliability of the numbering plan. The NANP must be managed so that it continues to meet the needs of all users within the telecommunications industry and their customers. Careful planning now can ensure that the goal is met. The Commission may well find that a smoother transition will occur if the plan is refined in further proceedings or by work in industry forums such as the Future of Numbering Forum.

## **II. THE NEW NANP ADMINISTRATOR MUST HAVE SUFFICIENT AUTHORITY TO FULFILL ITS FUNCTION EFFECTIVELY.**

In the NPRM, the Commission considers the ministerial functions associated with the numbering plan separately from the policy making functions. This is an important insight. The ministerial functions must be conscientiously carried out in order to assure the most effective use of numbering resources. But administration cannot be divorced from the policy making functions, and the two must be planned so that they closely coordinate. Often, policy decisionmaking transcends technical issues and must take into account the public interest in weighing costs and benefits. The NANP administrator must have some means of obtaining this type of guidance from the forum charged with working the policy issues. In turn, that policy forum must have recourse to the Commission. And the FCC must stand ready to make choices when industry processes fail to reach consensus after good faith attempts to resolve issues.

The FCC proposes that a non-governmental entity perform the purely administrative functions. While the FCC would designate the administrator, that entity would be "separate from the Commission." In order to ensure the success of this entity, the plan for establishing it must include, but not be limited to, the following criteria:

1. The new administrator must have sufficient financial resources to fulfill its duties in a quality and timely manner;

2. The new administrator must have expertise in numbering matters so that it can conduct the necessary analysis, identify trends, and promptly escalate problematic developments so that crises are avoided;
3. The new administrator must have the authority to enforce its decisions, particularly those decisions where industry participants must take action to implement decisions (e.g. code reclamation);
4. The new administrator must have assurance that its legal liability will be reasonably limited;
5. The new administrator must have available effective escalation procedures - extending to the FCC on U.S. matters - so that disputes can be resolved in a sure and timely fashion; and
6. The new administrator must have effective means of fulfilling its responsibilities in all of World Zone 1 (and thus must have the requisite authority from the governments of the Canada, Bermuda and fifteen Caribbean nations).



### **III. POLICY MAKING FOR THE NANP SHOULD CONTINUE IN INDUSTRY FORUMS, BUT UNDER MORE ACTIVE GUIDANCE FROM THE FCC.**

The FCC notes that "most numbering [policy] issues have been addressed by forums and other consensus building processes within the industry." (§ 19) The Commission then discusses the strengths and weaknesses of that consensus process. USTA strongly supports the continued use of open industry forums to analyze and solve, where possible, both technical and policy issues. And, while the existing forums could more closely coordinate to avoid unnecessary proliferation of groups, the consensus process remains a very effective way to ensure that all participants are heard. That process has many of the attributes of alternative dispute resolution. The existing due process mechanisms, and the ultimate right of any participant to appeal directly to the Commission by institution of formal process make the development of new processes unnecessary.<sup>1</sup> At most, the FCC should request that industry forums consider adding some sort of mediation to be used when consensus fails. USTA believes that arbitration is not in keeping with the consensus process, and therefore should not be imposed on industry forums by the FCC.

The various proposals for policy groups contained in Appendix B of the

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<sup>1</sup>In general, the industry forums are adept at exploring technical issues. Numbering disputes, however, often involve policy choices that are more difficult to resolve. The FCC and other regulators in World Zone 1 should ensure that the structure selected has "built in" resolution processes. Once the policy choices are made, the existing forums can again begin to productively work the technical issues to accomplish the policy choice.

NPRM have features in common. In each, the policy body would be open to all interested participants. The FCC, NARUC and other World Zone 1 regulators would be encouraged to participate. The form of FCC participation, however, would be constrained by the fact that the Commission would have the authority to resolve disputes if the policy body reaches an impasse. So, for example, it may not be proper for the FCC representative to cast a vote on an issue where the FCC may eventually serve as the decisionmaker.

USTA believes that the text of the NPRM, and the proposals from the industry, describe a process very similar to that which exists today in the Alliance for Telecommunications Solutions (ATIS). A group should be formed under the sponsorship of ATIS that would accept responsibility for numbering policy. Now that the Commission has outlined the attributes it wishes to see in a policy or oversight board, it should invite ATIS to submit a proposal to define the structure and functioning of the activity. One input to this proposal should be the work of the Future of Numbering Forum (FNF). The FNF has considered the question of the oversight body in some depth.

If the Commission decides for some reason that ATIS is not the appropriate sponsor for the forum on numbering, any other organization the FCC chooses or creates for this role should meet the following criteria:

1. An incorporated legal entity;
2. A not-for-profit corporation;

3. Unaffiliated with any entity, segment, or group that will be materially affected by decisions on numbering issues;
4. Follow "due process" and consensus procedures;
5. Possess competence in industry numbering issues; and
6. Recognition and credibility in the industry.

**IV. PARTICULARLY IN A TIME OF TRANSITION, THE SCOPE OF THE NANPA'S RESPONSIBILITIES SHOULD NOT BE EXPANDED.**

The transition of responsibilities from Bellcore to a new administrative entity will not be a simple task. As the Commission states, Bellcore not only assigns area codes, but Service Access Codes, Carrier Identification Codes, Service Codes, Central Office Codes in the 809 NPA, Vertical Service Codes, SS7 Point Codes, and ANI II Digits. Bellcore's successor will need to develop the capability to handle all of the administrative functions transferred to it. Funding procedures must also be implemented.

Adding the administrative responsibility for all Central Office codes in all NPAs in World Zone 1 would unnecessarily complicate the transition. The NPRM does not recognize the substantial amount of day-to-day effort that goes into administering the C.O. codes in each NPA. The Commission's tentative decision to centralize this function may be valid but it should not be implemented simultaneously with the transfer of numbering responsibilities. The FCC should first ensure that current NANPA functions are successfully relocated.

Assignment of C.O. codes in specific areas must take local conditions into account. Many complex issues are being worked by the individual NXX administrators, including implementation of interchangeable NXX codes in some NPAs, data gathering activities to predict NPA exhaust and coordination activities for NPA splits and realignments.

Eventually, the administrator may be equipped to administer C.O. codes. But there is no need to move this function until the transition of other numbering resources is complete. The industry recently completed guidelines for the administration of C.O. codes. The use of these guidelines should provide further reassurance that their administration is undertaken in a consistent way throughout the country. Telecommunications providers that believe they are being hindered in their use of C.O. numbering resources can bring the issue to state regulators or to this Commission.

#### **V. NUMBERING ADMINISTRATION MUST HAVE A PREDICTABLE AND RELIABLE FUNDING MECHANISM.**

The value of an effective administrator certainly exceeds the cost of funding that effort. Put another way, a poor administrative effort can cost the industry - and ultimately consumers - many millions of dollars. The premature or precipitous exhaust of numbering resources can create unnecessary costs, confusion and interfere with service providers' ability to offer new services. For example, if the new supply of interchangeable NPA codes were to be exhausted, every telephone

user in all the countries within World Zone 1 would be affected because of the expansion in the number of digits required to make calls within the NANP.

The new administrator must attract and retain quality personnel as well as ensure a stable administrative infrastructure (e.g. computer systems, tracking mechanisms and reports). Therefore, "voluntary contributions" by the industry is not a practical funding mechanism because of the uncertainty and potential fluctuations in the amounts contributed. The FCC should pursue the option of cost based fees. Regulators and industry participants in this country must work with the counterparts in the rest of World Zone 1 to ensure that all who use the NANP fund their fair share under the "fees" model.

#### **VI. IMPORTANT ISSUES ARE BEING DISCUSSED IN THE FUTURE OF NUMBERING FORUM AND THIS WORK MUST CONTINUE.**

On May 5, 1994, the moderator of the Future of Numbering Forum notified the FCC of an agreement by the FNF participants to suspend activity pending Commission direction. The current NANP Administrator convened the FNF to address long term numbering issues. FNF's moderator states that the discussions to date have been constructive - USTA agrees and believes that the output of the FNF could be very helpful in the effort to establish the new policy and administrative structure for the NANP. Indeed, much of what the Commission included in this NPRM reflects the output of the FNF. We also believe that FNF had the near term potential to make significant additional progress on many of the issues before the

industry.

USTA recommends that the Commission promptly advise the FNF that its work activities should continue. We urge the FCC to act quickly in this matter, to ensure that a valuable resource - and the momentum it has built - is not lost.

**VII. A SIX-YEAR PERIOD FOR TRANSITION TO FOUR-DIGIT CIC CODES IS PROBABLY NOT POSSIBLE.**

Regarding the transition period during which 10XXX and 101XXXX dialing of CICs is to be permitted simultaneously, USTA is concerned that a six-year period is dangerously long. The demand for new CIC codes cannot be easily predicted. Even in regard to exhaust of CICs in the three-digit format, it has required careful vigilance on the part of the industry and the administrator to predict when the current supply would exhaust. The conditions in regard to demand for this resource are even more clouded for the future.

The current telecommunications environment is characterized by competitive initiatives as well as dynamic regulatory proceedings. The implementation of PCS, the actions in Docket 91-141, and the growth of communications services of all types can be expected to generate increased demand for new CIC codes. The CIC conversion plan that the ICCF submitted to the Commission requires, as a technical matter, that the new four digit CICs be limited to codes in the 5000 and 6000 series during the permissive dialing period.

The total in these two series is 2000 codes; after they are exhausted, the permissive dialing period must end.

USTA recommends that, if a specific time period is adopted, it be less than six years because the demand for codes may have the effect of forcing an end to the permissive dialing period much sooner. Accordingly, USTA recommends that careful reporting of code assignments be maintained and a forecasting function be instituted to provide adequate notice to the FCC and the industry of the time when the permissive period must end.

#### **VIII. CONCLUSION.**

The Commission should initiate action on the North American Numbering Plan consistent with USTA's comments.

Respectfully submitted,

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